

HOUSE BILL 993

By Sexton C

AN ACT to amend Tennessee Code Annotated, Title 63,
Chapter 6, Part 2, relative to operators of medical
equipment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-6-224, is amended by deleting the section in its entirety and substituting instead the following:

(a) With regard to operators of radiologic imaging and radiation therapy equipment or machines in physicians' offices, hospitals, outpatient diagnostic centers, and recuperation centers, the board has the authority to promulgate rules to:

(1) Establish and issue limited radiography certifications to qualified individuals in the areas of bone densitometry, chest, extremities, skull, sinus, and lumbar spine radiography that exclude the performance of computed tomography, fluoroscopy, magnetic resonance imaging, mammography, radiation therapy, mobile imaging procedures, or imaging procedures using contrast media;

(2) Establish and issue full radiologic imaging and radiation therapy licenses to individuals who hold current and unrestricted national certification from the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board, or any nationally recognized radiologic imaging or radiation therapy certification organization recognized by the board;

(3) Establish the minimum educational courses, curriculum, hours, and standards that are prerequisite to issuance of the certificates or licenses;

(4) Select the examination or examinations to be utilized as the board's limited certification examination or examinations and the prerequisites, if any, for admission to the examination or examinations. The board is authorized to enter into a contract or agreement with the chosen examination service or services or select an intermediary between the board and the examination service or services to process applicants for the examination or examinations;

(5) Establish any other criteria for issuance of certificates or licenses that are reasonably related to the safe and competent performance of radiologic imaging and radiation therapy procedures;

(6) Establish a mechanism for board accreditation of educational courses that are operating for purposes of qualifying individuals for certification or licensure and that meet the requirements established pursuant to the rules promulgated under the authority of subdivision (a)(3). The mechanism shall establish the causes and standards that are grounds for withdrawal of the course accreditation and the mechanism for that withdrawal;

(7) Establish the fees to be paid for application, certification, or licensure; renewal and late renewal of certificates or licenses; and application, renewal, and late renewal of educational course accreditation; and

(8) Establish the required number of hours, types of courses, and methods of proving compliance for biennial continuing education for all certificate or license holders.

(b) The certificates, licenses, and accreditations issued pursuant to this section must be renewed and may be retired and reactivated pursuant to procedures established by the board. A person holding a certificate or license issued pursuant to this section may be disciplined for the same causes and under the same procedures as contained in § 63-6-214 for the board of medical examiners and § 63-9-111 for the board of osteopathic examination.

(c) The standards established by the board pursuant to subsection (a) shall be at least as stringent as any mandatory federal standards.

(d) No person shall perform radiologic imaging or radiation therapy procedures in physicians' offices, hospitals, outpatient diagnostic centers, or recuperation centers without being licensed as a physician, or certified or licensed by the board pursuant to this section. Persons who have enrolled in a board-recognized radiologic training program are exempt from the certification and licensure requirements of this section only as to radiologic imaging or radiation therapy procedures performed within or under the auspices of the program in which they are enrolled. After completion of the course but while awaiting the first opportunity to sit for the certification examination, but for no more than six (6) months, and for a period of time within which to receive the examination scores, but no more than seventy-five (75) days thereafter, such persons are exempt from the certification or licensure requirements of this section.

(e) No radiography procedures may be performed by any person holding a limited certificate issued pursuant to this section without:

(1) An order from a physician licensed pursuant to this chapter or an osteopathic physician licensed pursuant to chapter 9 of this title; and

(2) A physician licensed pursuant to this chapter or an osteopathic physician licensed pursuant to chapter 9 of this title exercising full supervision, responsibility, and control over the services being provided. The board is authorized to establish, by rules and regulations, the levels of supervision required of physicians utilizing persons issued limited certificates pursuant to this section.

(f) The operation of a business in which radiologic imaging or radiation therapy procedures contemplated by this section are performed that is not owned by a physician,

group of physicians, medical professional corporation, limited liability medical professional company, or an entity or facility licensed by the division of healthcare facilities is prohibited.

(g) As used in this section:

(1) "Board" means the board of medical examiners established pursuant to § 63-6-101;

(2) "Hospital" has the same meaning as defined in § 68-11-201;

(3) "Outpatient diagnostic center" has the same meaning as defined in § 68-11-201;

(4) "Physician's office" means anywhere the practice of medicine as defined in § 63-6-204, or the practice of osteopathic medicine as defined in § 63-9-106, which includes the performance of radiologic imaging or radiation therapy procedures contemplated by this section, is conducted, except where that practice is conducted in or under the auspices of a facility or entity licensed by the division of healthcare facilities;

(5) "Radiation therapy" means the use or application of ionizing radiation for the purpose of treating disease or illness;

(6) "Radiography" means the creation or acquisition of static images of the inner structures of the human body using ionizing radiation from an external source;

(7) "Radiologic imaging":

(A) Means the performance of any procedure or administration of any article intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including, but not limited to,

radiography, nuclear medicine, fluoroscopy, magnetic resonance, and other procedures using ionizing radiation or magnetic resonance; and

(B) Does not include the use of ultrasound; and

(8) "Recuperation center" has the same meaning as defined in § 68-11-

201.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.